

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RAYMOND R. HORTON,  
ISMAIL C. NOYAN, MICHAEL J. PALMER  
and  
WILLIAM E. PENCE IV

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Appeal No. 2001-1771  
Application No. 09/205,782

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ORDER REMANDING TO EXAMINER

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An examination of the file reveals that an amendment was filed on December 6, 1999 (Paper No. 9). Originally, the

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examiner indicated on the amendment by handwritten note "Do not enter 12/22/99." An Advisory Action was mailed by the examiner on January 3, 2000 (Paper No. 10) indicating that the amendment would not be entered. Appellants filed a paper entitled "Response to Communication of 1/3/00" on February 1, 2000 (Paper No. 11). Then, on February 4, 2000, appellants filed an Appeal Brief (Paper No. 12). The examiner responded, on February 22, 2000, by mailing a new final rejection (Paper No. 13). In this paper, the examiner entered the after final amendment mailed December 6, 1999 (Paper No. 9). These changes, however, are not shown in appellants' Appeal Brief mailed July 19, 2000 (Paper No. 18). While the examiner corrected claims 26 and 28 in the Examiner's Answer mailed August 28, 2000 (Paper No. 19), it is noted that claims 29 and 33-35 still differ from their last amended version.

Accordingly, it is

ORDERED that this application be remanded to the examiner to issue a supplemental Examiner's Answer which contains a correct copy of claims 29 and 33-35, or to notify appellants to submit a new Appendix to the Appeal Brief filed February 4, 2000

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(Paper No. 12) which includes the corrected claims, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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